Commonwealth of Virginia
STATE BOARD OF ELECTIONS
804-786-6551 **OR** Toll-free within Virginia 800-552-9745

200 N. 9th Street, Room 101
Richmond, Virginia 23219-3497
TTY Toll-free within Virginia 800-260-3466
REV 1/8/03

PARI-MUTUEL WAGERING

The following information is provided concerning the local referendum required by § 59.1-391 of the *Code of Virginia* before a license for any horse racetrack or satellite facility can be granted.

"Satellite facility" is defined as all areas of the property at which simulcast horse racing is received for the purposes of pari-mutuel wagering, and any additional areas designated by the Virginia Racing Commission. The Commission is empowered to authorize up to six satellite facilities and must restrict majority ownership of satellite facilities to an entity which owns a horse racetrack in Virginia and is licensed by the Commission.

"Simulcast horse racing" is defined as the simultaneous transmission, for the purposes of conducting pari-mutuel wagering, of the audio or video portion, or both, of horse races from a licensed horse racetrack or satellite facility to another licensed horse racetrack or satellite facility, regardless of state of licensure, whether such races originate within the Commonwealth or any other jurisdiction and whether transmitted by satellite communication devices, television cables, telephone lines, or any other means.

Before any license to construct, establish, operate or own a racetrack or satellite facility can be granted, a referendum must be held in the county or city in which the racetrack would be located.

§ 24.2-684.1 of the *Code of Virginia* prescribes requirements for petitions being circulated for referenda. Follow the procedures in this bulletin and use the petition form attached to it.

A. Prior To Circulating Petitions

1. Prepare the petition form. Use the form attached and insert the question to be placed on the ballot. One of the questions listed below must be used, and both may appear on the same petition:

   EITHER:

   > "Shall pari-mutuel wagering be permitted at a licensed racetrack in (name of county or city) on live horse racing at, and or simulcast racing transmitted from another jurisdiction to, the licensed racetrack on such days as may be approved by the Virginia Racing Commission in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?"

   AND/OR:

   > "Shall pari-mutuel wagering be permitted in (name of county or city) at satellite facilities in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?"

OVER

2. Before circulating any petition pages, one individual who is a registered voter of the county or city in which the referendum will be held must file with the clerk of circuit court of that county or city:

   a. a statement which lists the petitioner's:

      1) name;
      2) residence address;
      3) mailing address, if different from residence address; and
      4) if any, the name of the organization represented by the petitioner in circulating the petition.

   b. a copy of the petition which states one of the two questions set forth above.

3. The clerk of circuit court must certify, **within ten days of the filing of the above documents**, that he has received and accepted the petition copy and statement.

B. Circulating Petitions

1. Begin circulating **only after** receiving the clerk's certification.

2. Each person who circulates a petition page must:

   a. be a qualified voter of the county or city in which the referendum will be held;

   b. see each person sign that petition page; and

   c. complete and sign, before a notary, the affidavit on each petition page he/she circulates.

3. Petitions must be *circulated, completed* and *filed* with the appropriate court **within nine months of the date of the certification by the clerk of circuit court.**

4. Each petition must:

   a. contain the signatures of qualified voters of the county or city equal in number to at least 5% of the number of registered voters therein as of January 1 preceding the filing of the petition. [It is recommended that at least 10% be obtained to assure that a sufficient number are qualified.]; and

   b. contain the date signed and **full printed name and residence address** of each voter.

C. Filing Petitions

1. Petitions must be filed with the court in time to permit the petitions to be checked and an order entered at least sixty days before the date on which the election is to be held.

2. A suggested format for the court order which should be presented with your petitions to the court for its signature is attached.

D. Other Requirements

1. The referendum must be held on a Tuesday that is not later than the next general election unless the order is entered within the sixty days prior to that general election.

   The referendum cannot be held (i) on the same day as a primary election; (ii) in the 60 days preceding a primary or general election; (iii) in the 24 days following a primary election; or (iv) in the 35 days following a general election. Voting equipment must remain sealed during these last two periods in the event of a recount or contest.

2. If the referendum is required to be held at the same time as a regularly scheduled May or November election, the court order is **not** required to be submitted by the chief legal officer of the county or city to the United States Justice Department pursuant to the Federal Voting Rights Act.

   If the date of the election is discretionary, submission **must be made** to the United States Justice Department pursuant to the Federal Voting Rights Act.

3. This referendum cannot be held more often than once every three years in the same county or city.

4. A subsequent local referendum would have to be held before a license could be issued if no license is issued within the five years following the court order proclaiming the results of the first election.

LMT: REV 6/10/94

STATEMENT OF PETITIONER
FOR
LOCAL REFERENDUM

TO: Clerk of Circuit Court

County/City of _____

Submitted herewith is a copy of a petition to be circulated for a referendum as authorized by law on the question which appears thereon.

As required by § 24.2-684.1 of the *Code of Virginia*, I certify that I am registered and qualified to vote in the jurisdiction and, if applicable, district in which the election will be held. The following information is provided as required:

_____
TYPE OR PRINT YOUR FULL LEGAL NAME

_____
ENTER YOUR RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER YOUR MAILING ADDRESS IF DIFFERENT FROM RESIDENCE ADDRESS

_____
CITY/TOWN ZIP

_____
ENTER A DAYTIME TELEPHONE NUMBER, INCLUDING AREA CODE

_____
ENTER NAME OF ORGANIZATION YOU REPRESENT, IF ONE

Please certify, within ten days of my filing these documents, that you have received and accepted the petition copy and this statement.

I understand that the petitions must be circulated, completed and filed with you within 9 months of the date of your certificate of receipt and acceptance **or** by the deadline required for the election, whichever first occurs. I further understand that a court order must be entered at least 60 days before the election.

_____
SIGNATURE OF PETITIONER

_____
ENTER DATE

CERTIFICATE OF RECEIPT AND ACCEPTANCE
LOCAL REFERENDUM

TO: _____

_____

_____

I, _____, Clerk of the Circuit Court of _____, certify that:

_____, filed with me as required by § *24.2-684.1* of the Code of Virginia, a copy of a petition for a referendum on the following subject:

_____, the issue for which the petition will be circulated. A statement also was filed setting forth the filer's name and residence address. The statement:

☐ did not indicate that the filer is representing an organization; or

☐ indicated that the filer is representing the following organization:

_____; and

☐ did; or
☐ did not
} set forth a mailing address different from the filer's residence address.

I further certify that I accept these documents and petitions now may be circulated. Petitions must be circulated, completed and filed with the Court within nine months of the date of this certification. The filing deadline for any specific election also must be met if the referendum is to be held at that election.

_____, Clerk

Date: _____

The Clerk of Circuit Court must return to the filer of the petition the original of this document and to the State Board of Elections one copy each of this document, the Statement of Petitioner and the Petition.

TO SAVE TAXPAYER DOLLARS THIS DOCUMENT IS PRINTED FRONT AND BACK. PREPARE ORIGINAL TYPED COPY, ENTER APPROPRIATE INFORMATION AS INDICATED, AND SUBMIT TO THE COURT AS TWO SEPARATE PAGES.

VIRGINIA: IN THE CIRCUIT COURT OF _____

ORDER

It appearing to the Court that a Petition has been filed requesting the Court to order a referendum to be held pursuant to § 59.1-391 in (enter *county* or *city name*) on the (insert either *pari-mutuel racing question and/or offtrack pari-mutuel wagering question*);

AND it having been certified to the Court by the General Registrar of the *county* (or *city*, as applicable) that such petition has been signed by registered voters equal to or greater than five percent of the number registered in the *county* (or *city*, as applicable) on the January 1 preceding its filing;

It is, therefore, ADJUDGED, ORDERED and DECREED that at the general election to be held on (enter *election date*), a Tuesday that is at least sixty days following the entry of this order, the election officials of the *county* (or *city*) shall open the polls and take the sense of the qualified voters of (enter *county* or *city name*) on the following question (or *questions*) to be printed on the ballot:

PARI-MUTUEL RACING

"Shall pari-mutuel wagering be permitted in (enter *county* or *city name*) at a licensed racetrack in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?"

and/or

OFFTRACK PARI-MUTUEL WAGERING

"Shall pari-mutuel wagering be permitted in (enter *county* or *city name*) at satellite facilities in accordance with Chapter 29 (§ 59.1-364 et seq.) of Title 59.1 of the Code of Virginia?"

The Clerk of the Court shall cause notice of the referendum to be published once a week for the three (3) consecutive weeks prior to the election in (enter *name of newspaper*), a newspaper having general circulation in (enter *county* or *city name*), and a copy of the notice shall be posted during the same time on the door of the (enter *county* or *city name*) Courthouse.

The Clerk of this Court shall send a copy of this Order to the State Board of Elections and to the Secretary of the Electoral Board of (enter *county* or *city name*).

The election shall be held and the results shall be certified as provided in § 24.2-684 of the *Code of Virginia*.

ENTERED this _____ day of _____, 200___.

_____
JUDGE

I ask for this:

sign here _____
printed name of signator
(counsel for petitioner or, if none, petitioner)